

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-68 were originally pending in this application. Claims 1-16 and 60-68 have been withdrawn after the election requirement. Claims 17-59 are currently pending and claims 17, 21, 26, 31, 35, 40, 45, 49 and 54 are independent. All of the pending claims have been rejected. By this Amendment, claims 22-25, 27-30, 36-39, 41-44, 50-53 and 55-58 have been cancelled, and claims 17, 21, 26, 31, 35, 40, 45, 49, 54 and 59 have been amended. New claims 69-71 have been added. No new matter has been added by these amendments.

#### **Rejection under 35 U.S.C. §112**

Claims 17-34 and 45-48 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The office action indicates that the phrase "and/or" in claims 17, 21, 26, 31 and 45 renders the claims indefinite.

Claims 17, 21, 26, 31 and 45 have been amended to address the rejection as shown above. In particular, the phrase "and/or" in claims 17, 31 and 45 has been deleted. Each of claims 21 and 26 has been amended to depend from claim 17. Claims 22-25 and 27-30 have been cancelled.

Reconsideration and withdrawal of the rejections of claims 17, 21, 26, 31 and 45 under 35 U.S.C. §112 is respectfully requested.

**Rejection under 35 U.S.C. §103**

In paragraph three (3) of the office action, claims 17-20, 26, 27, 29-34, 40, 41, 43-48, 54, 55, 57 and 58 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,179 to Katayama et al. ("Katayama") in view of well-known prior art.

The Examiner stated that Katayama teaches an image processing apparatus similar to the claims of the present invention. The Examiner admitted that Katayama does not teach the control means of the present invention which inhibits the optical system condition from changing after a first one of the plurality of images to be stored in said storage means in association with each other is sensed and stored. The Examiner then takes an official notice that it is well known in the art to use the same image sensing conditions when sensing images that are to be associated with one another in a panoramic mode. The Examiner further states that "[i]t would have been obvious ... to alter the apparatus taught by Katayama et al so that the prohibition of the optical system condition from changing occurs after the first one of the plurality of images has been sensed and stored for ensuring that the images to be associated with one another have uniform image characteristics."

While Applicants generally disagree with the Examiner's reasoning of the rejections, claims 17, 21, 26, 31, 35, 40, 45, 49, 54 and 59 have been amended for further clarification. In particular, independent claim 17 as amended recites that "finish associating operation of images after a plurality of images, which have been sensed, are associated with each other upon reception of the instruction for changing the optical system condition of said image sensing lens from said optical system condition change instruction means after a first one of the plurality of

images to be stored in said storage means in association with each other is sensed and stored.”

Other independent claims 31 and 45 have been amended to recite similarly features to claim 17. Support for the amendment may be found, for example, in Figs. 19, 24 and 28 along with the relevant portions of the original specification.

One of the aspects of the present invention as featured in the pending claims is characterized in that when the instruction for changing the optical system condition is received, a plurality of sensed images are associated with each other so that these images are recognized to be included in the same group, and that associating operation is finished upon reception of the instruction so that images sensed after the reception of the instruction are not associated with the images sensed before the reception of the instruction.

Applicants believe that the above-feature of the present invention is neither taught by Katayama nor obvious in the art.

Accordingly, Applicants believe that each of claims 17, 31 and 45 is neither anticipated by nor rendered obvious in view of Katayama for at least the reasons discussed above.

In paragraph four (4) of the Office Action, claims 21-25, 35-39 and 49-53 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Katayama in view of well known prior art, and further in view of U.S. Patent No. 5,864,360 to Okauchi et al. (“Okauchi”).

As noted above, among the rejected claims, claims 22-25, 36-39 and 50-53 have been cancelled, and the rejections to these claims are now moot. Each of claims 21, 35 and 49 has been amended to depend from claims 17, 31 and 45, respectively.

Okauchi is cited as disclosing that the focusing point evaluation value is continually

monitored such that when an object changes, a hill-climbing focusing operation restarts.

Okauchi, however, fails to show or suggest at least the feature of claims 17, 31 and 45 as amended (i.e., “finish associating operation of images after a plurality of images, which have been sensed, are associated with each other upon reception of the instruction for changing the optical system condition of said image sensing lens from said optical system condition change instruction means after a first one of the plurality of images to be stored in said storage means in association with each other is sensed and stored.”) from which claims 21, 35 and 49 depend, respectively.

Accordingly, each of claims 21, 35 and 49 is neither anticipated by nor rendered obvious in view of Katayama, well known art and Okauchi, either taken alone or in combination, for at least the reasons discussed above.

In paragraph five (5) of the Office Action, claims 28, 42 and 56 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Katayama, in view of well known art, and further view of J.P. Patent 10312001A to Miyamoto.

As noted above, claims 28, 42 and 56 have been cancelled, and the rejections to these claims are now moot.

In paragraph six (6) of the Office Action, claim 59 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Katayama, in view of well known art, and further in view of U.S. Patent No. 5,600,371 to Arai et al. (“Arai”).

Arai is cited as disclosing that when the lens is detached from the camera, the driving means of the lens is stopped, thereby prevented from outputting a signal to change the optical

system condition.

Arai, however, fails to show or suggest at least the feature of the invention (i.e., “finish associating operation of images after a plurality of images, which have been sensed, are associated with each other upon reception of the instruction for changing the optical system condition of said image sensing lens from said optical system condition change instruction means after a first one of the plurality of images to be stored in said storage means in association with each other is sensed and stored.”) incorporated in claim 59 as amended because of its dependency from claim 17.

Accordingly, claim 59 is neither anticipated by nor rendered obvious in view of Katayama, well known art, and Arai, either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 17, 22-25, 28, 31, 36-39, 42, 45, 50-53, 56 and 59 under 35 U.S.C. §103 is respectfully requested.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the foregoing places the independent claims from which they respectively depend in condition for allowance. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Claims 69-71 have been added to recite the claimed invention in an alternative manner. Specifically, added claims 69-71 depend from claims 17, 31 and 45, respectively, and further recite an alert means/step. Claims 69-71 are accordingly believed to be allowable for at least similar reasons as for claims 17, 31 and 45 as discussed above.

PATENT

Application Serial No. 09/265,070  
Amendment dated August 5, 2003  
Reply to Office Action of May 9, 2003  
Docket No. 1232-4519

Applicants believe that the added claims are also in condition for allowance and such action is respectfully requested.

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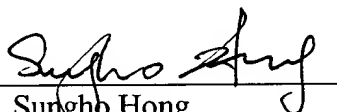
**AUTHORIZATION**

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4519). **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
MORGAN & FINNEGAN LLP

Dated: August 5, 2003

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